

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-23583 - APPLICANT/OWNER: RAUL GIL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**     **DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Food Processing use, including parking requirements, except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-23579), Variances (VAR-23580 and VAR-23582) and Site Development Plan Review (SDR-23577) shall be required.
3. A Waiver from Conditional Use Regulation 1 for a Food Processing use is hereby approved, to allow food processing without a retail use component as required for this type of use.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Special Use Permit for a Food Processing use with a waiver of the required retail use component. The use is proposed to occupy portions of two existing buildings that total 5,100 square-feet of space located at 305 and 311 North 11<sup>th</sup> Street.

The subject proposal does not meet one of the conditions that are automatically applicable to Food Processing uses per Title 19.04. Specifically, the use will be conducted without the required retail use. Additionally, there is a Rezoning (ZON-23579) request needed to get the entire site up to a C-2 (General Commercial) zoning district which, if approved, would potentially allow this use and other higher intensity uses to spread away from the intended commercial corridor along Stewart Avenue. For these reasons, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/13/07	Companion items for a Rezoning (ZON-23579), two Variances (VAR-23580 and VAR-23582), and a Site Development Plan Review (SDR-23577) will be heard concurrently with this item.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/01/51	A business license, A07-00254, for an Apartment House category license was issued by the Department of Finance and Business Services. Due to a change of classification this license was re-issued on 10/01/98. This license was marked out-of-business as of 05/10/07. *
01/26/07	A building permit application, plan check 80550-C-07, for the 6.5-foot high ortemental iron wall was submitted for the site. The permit was reviewed and issued the same day. This permit has not received a final inspection approval as of 08/28/07.
03/07/07	A set of building permit applications, plan check L-0768 through 0771-07, for the internal wall demolision was submitted for the site. The permits were issued on 03/12/07 and was recorded as complete on 07/12/07.
<b><i>Pre-Application Meeting</i></b>	
06/13/07	A pre-application meeting was held and elements of this application were discussed. Landscaping requirements, necessary waiver requests, and various Public Works concerns were talked about. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

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\* This license was issued with no apparent Planning and Development Department review.

<b>Field Check</b>	
08/13/07	The Department of Planning and Development conducted a site visit that found that the site was developed with a multifamily building on each lot. The building to the south (305 South 11 <sup>th</sup> Street) appeared to have been gutted and no windows were evident. There is an existing wrought iron fence around the three parcels at the south end of the block, which includes the two project site parcels.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.34

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) [Proposed: C-2 (General Commercial)]
	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
South	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
East	Senior Citizen Apartments	MXU (Mixed Use)	R-4 (High Density Residential)
West	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

Calculated to Fall 1987 and 1990, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Food Processing	5,100 SF	1 Space / 500 SF of GFA	10 Spaces	1 Space	6 Spaces	1 Space	N *
<b>TOTAL (including handicap)</b>			11 Spaces		7 Spaces		N *
Loading Spaces	5,100 SF	1 Space @ less than 10,000 SF	1 Space		1 Space		Y
Percent Deviation			36.36% Reduction Requested				

\* If approved, the companion Variance (VAR-23580) would allow seven parking spaces where 11 parking spaces are required, thus granting relief from the city standard.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow no retail component	To allow no food processing use, unless in conjunction with a retail use	Denial

**ANALYSIS**

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as MXU (Mixed Use) on the Redevelopment Plan Area Map of the General Plan. This category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The project proposes to convert the two existing multifamily residential buildings into a Food Processing use within 5,100 square feet of total building area on the 0.34 acre project site. The proposed Food Processing use is permissible under the MXU (Mixed Use) designation.

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There is a Rezoning (ZON-23579) that proposes to change a portion of the project site's zoning from R-4 (High Density Residential) to C-2 (General Commercial). The existing and proposed C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The proposed use for this location is conditional, in a C-2 (General Commercial) zoning district which is compatible with the MXU (Mixed Use) General Plan designation. In this case the approval of a special use permit is needed as the condition requiring a retail component is not met.

A Food Processing use is defined as a facility in which food for human consumption is provided in its final form, such as candy, baked goods and ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. This use does not include food or beverage processing which uses any mechanized assembly line production of canned or bottled goods.

Pursuant to Title 19.04 the Minimum Requirements of Approval for a Food Processing use in a C-2 (General Commercial) district are:

1. Food processing shall be permitted only in conjunction with retail use.
2. A maximum of 5000 square feet in floor area shall be permitted.

The proposed Food Processing use fails to meet the requirement of condition 1 as the proposed use will not be conducted in conjunction with a retail use as required. The applicant is requesting waivers of this requirement. Specifically, the waiver, if approved, would allow there to be no retail use to be preformed as a part of this operation. The overall area of the two buildings is greater than 5,000 square feet, however, the floor plans indicate that the food processing use will occupy less than the 5,000 square-foot maximum allowed.

This special use permit has been submitted in conjunction with a Rezoning (ZON-23579) to change the R-4 (High Density Residential) portion of the site into a C-2 (General Commercial), Site Development Plan Review (SDR-23577) for a proposed conversion of two existing residential structures for commercial use; and two Variances (VAR-23580 and VAR-23582) to allow deviations from setback and parking standards.

The proposed use is not well-suited to the surrounding area based on standards set forth in Title 19.04 for a Food Processing use as referenced above. The proposal is located on land that is not appropriate for this intensity of use as it neighbors residential properties on three sides and would spread higher intensity commercial uses further from intended commercial corridors. As such, this use cannot be conducted in a manner that is harmonious and compatible with surrounding development and staff is recommending denial of this Special Use Permit.

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## **FINDINGS**

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use can not be harmonious with this particular area as Title 19.04 sets forth a retail use requirement to decrease the potential intensity of the use to protect neighboring uses from this type of business. This proposal does not meet that added retail use requirement.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the proposed Food Processing use as the site can not meet the parking and setback requirements necessary for this type of use in the proposed zoning district.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is adjacent to North 11<sup>th</sup> Street, a 60-foot wide local street that should be adequate to support the proposed use.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this use will not support the public health, safety, and general welfare as it would violate the protections adopted by Title 19.04 for Food Processing uses.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The use does not meet all applicable conditions of Title 19.04 for Food Processing uses. The requirement that this type of use be done in conjunction with a retail use is not being met.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 166 (Mailed with SDR-23577)

**APPROVALS** 0

**PROTESTS** 3